

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN ALLEN,

Plaintiff,

v.

HOMEQ SERVICING INC.,

Defendant

No. C-08-1698 MMC

ORDER REMANDING ACTION

On March 28, 2008, defendant removed the above-titled action to federal district court, on the basis of federal question jurisdiction. At the time of the removal, the operative complaint was the First Amended Complaint, which contained one cause of action arising under federal law, specifically, a claim under 15 U.S.C. § 1666(a), and one cause of action arising under state law, specifically, a claim for negligent interference with prospective economic advantage.

By order filed June 30, 2008, the Court dismissed the First Amended Complaint, finding plaintiff had failed to state a claim under either federal or state law, and afforded plaintiff leave to amend. On July 17, 2008, plaintiff filed his Second Amended Complaint, in which plaintiff has realleged his state law claim for negligent interference with prospective economic advantage and has added two new causes of action, each of which arises under state law. Plaintiff has not realleged his federal cause of action, however, nor has plaintiff

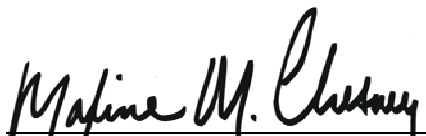
1 added any new cause of action arising under federal law. As a result, the Court's
2 jurisdiction over each cause of action in the Second Amended Complaint is supplemental in
3 nature.

4 Where a district court "has dismissed all claims over which it has original
5 jurisdiction," the court may decline to exercise supplemental jurisdiction over the remaining
6 claims. See 28 U.S.C. § 1367(c)(3). Here, the sole federal claim having been dismissed,
7 the Court now declines to exercise supplemental jurisdiction over the remaining state law
8 claims.

9 Accordingly, the instant action is hereby REMANDED to the Superior Court of
10 California, in and for the County of Alameda.

11 **IT IS SO ORDERED.**

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13 Dated: July 22, 2008

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15 MAXINE M. CHESNEY
16 United States District Judge
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